IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 12TH FEBRUARY 2007 / 23RD MAGHA 1928

Crl.Rev.Pet.No.4215 of 2006(B)

CRL.A.NO.182 OF 2004 OF THE COURT OF THE ADDITIONAL SESSIONS JUDGE, FAST TRACK COURT (AD HOC) NO.IV, THIRUVANANTHAPURAM.

C.C.NO.27 OF 2003 OF THE COURT OF THE JUDICIAL I CLASS MAGISTRATE-II, ATTINGAL.

REVISION PETITIONER: APPELLANT/ACCUSED:-

AJAYAN, S/O. KRISHNA PILLAI,
JAYA BHAVAN, POOVAR P.O., THIRUVANANTHAPURAM.

BY ADV. SRI.K.M.SATHYANATHA MENON

RESPONDENTS: RESPONDENTS/COMPLAINANT:-

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1. THOMASKUTTY, S/O. BABY,
   GRACE BHAVAN, MUKKANOOR, VENJARAMOODU,
   THIRUVANANTHAPURAM.

2. THE STATE, REPRESENTED BY THE
   PUBLIC PROSECUTOR,
   HIGH COURT OF KERALA, ERNAKULAM.

R2 BY PUBLIC PROSECUTOR SRI.AMJAD ALI.

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 12/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:-

K.R.Udayabhanu,J.

Crl.R.P.No.4215 of 2006-B

Dated, this the 12th day of February, 2007

ORDER

The revision petitioner stands convicted for the offence under Section 138 of the Negotiable Instruments Act and sentenced, as modified by the learned Sessions Judge, to undergo imprisonment till the rising of the Court and to pay a compensation of Rs.50,000/- under Section 357(3) of the Code of Criminal Procedure and in default, to undergo simple imprisonment for three months.

2. It is the version of the revision petitioner that in fact only Rs.10,000/- was borrowed and as security, a signed blank cheque was given. But the accused did not adduce any evidence to rebut the statutory presumptions and hence both the Courts below have rightly discarded the case set up by the revision petitioner. I do not find any reason to interfere with the concurrent findings of the Courts below and the same are affirmed. All the same, considering the plea of the revision petitioner/accused, he is given four months time from today

onwards to pay the compensation, less the amount already deposited. The accused shall appear before the Judicial First Class Magistrate-II, Attingal on 12.6.2007 to receive the sentence.

The revision petition is disposed of as above.

K.R.Udayabhanu
Judge

vku/-